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Dkt. 41426-A-PCT-US/JPW/SHS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Ron S. Israeli et al.

Serial No.: 08/403,803 Group Art Unit: 1645

Filed : March 17, 1995 Examiner: S. Gucker

For : PROSTATE-SPECIFIC MEMBRANE ANTIGEN

1185 Avenue of the Americas
New York, New York 10036
March 20, 2000

Assistant Commissioner for Patents
Washington, D.C. 20231
Box: AF

MAR 30 2000

Sir:

TECH CENTER 1600/2900

**COMMUNICATION REQUESTING CONSIDERATION ON
THE MERITS OF A FIRST SUBMISSION AFTER FINAL
REJECTION AND WITHDRAWAL OF FINALITY UNDER 37 C.F.R.
§1.129(a) AND PETITION FOR A FIVE MONTH EXTENSION OF TIME**

This Communication is submitted pursuant to the provisions of 37 C.F.R. §1.129(a) to request consideration on the merits of a Amendment in Response to February 18, 1999 Final Office Action as a First Submission, attached hereto as Exhibit A, and withdrawal of finality of the February 18, 1999 Final Office Action.

On February 18, 1999, the United States Patent and Trademark Office issued a Final Office Action in connection with the above-identified application. A response to the February 18, 1999 Final Office Action was originally due on May 18, 1999. Applicants filed An Amendment in Response to the February 18, 1999 Final Office Action and a Petition for a Three Month Extension of Time on August 18, 1999. Applicants also filed a Notice of Appeal on August 18, 1999. Accordingly, an appeal brief was due on October 18, 1999. Applicants hereby request a five month extension of time. Therefore, a response is due March 18, 2000. Applicants have previously established small-entity status. The fee for a five month of extension of time for a small entity is \$925.00 and under 37 C.F.R. §1.17(r) the fee for filing

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a submission after final rejection is \$345.00. ~~Applicants~~ ^{TECH CENTER 1600/2905} enclose a check to cover these fees. Therefore, a response is due March 18, 2000. However, since March 18, 2000 is a Saturday, under 37 C.F.R. 1.7, a response is due on the next succeeding day which is not a Saturday, Sunday or Federal Holiday, i.e. Monday, March 20, 2000. Accordingly, the subject application is pending. Therefore, the Amendment in Response to February 18, 1999 Final Office Action as a First Submission, attached hereto as Exhibit 1, is now due March 18, 2000 and is being timely filed.

Applicants have previously established small-entity status. The fee for a five month of extension of time for a small entity is \$925.00 and under 37 C.F.R. §1.17(r) the fee for filing a submission after final rejection is \$345.00. Applicants enclose a check to cover these fees. Accordingly, the subject application is pending. Therefore, the Amendment in Response to February 18, 1999 Final Office Action as a First Submission, attached hereto as Exhibit 1, is now due March 18, 2000 and is being timely filed.

Under 37 C.F.R. §1.129(a), applicants in an application that has been pending for at least two years as of June 8, 1995, taking into account any reference made in such application to any earlier filed application under 35 U.S.C. 120, 121 and 365 (c), are entitled to have a First Submission entered and considered on the merits after final rejection if the First Submission and the fee set forth in §1.17(r) are filed prior to the filing of an appeal brief and prior to abandonment of the application.

For its earliest priority date, the subject application claims priority of 07/973,337 filed November 5, 1992. Therefore, taking into account this priority reference this application has been pending for at least two years as of June 8, 1995. This

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Communication is prior to the filing of an Appeal Brief and prior to abandonment of the subject application. Accordingly, the First Submission in Response to the February 18, 1999 Final Office Action under 37 C.F.R. §1.129(a) is being timely filed.

The fee under 37 C.F.R. §1.17(r) for consideration and entry of a first submission after a final rejection is \$345.00. As stated hereinabove, applicants enclose herewith a check which includes this fee.

Under 37 C.F.R. §1.129(a), the finality of the final rejection is automatically withdrawn upon the timely filing of the First Submission and the payment of the fee set forth in §1.17(r). Accordingly, applicants respectfully request that the finality of the February 18, 1999 Final Office Action be withdrawn and the Amendment in Response to February 18, 1999 Final Office Action as a First Submission, attached hereto as Exhibit 1, be considered as the First Submission.

If a telephone interview would be of assistance in advancing prosecution of the subject application, applicants's undersigned attorney invites the Examiner to telephone at the number provided below.

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No fee, other than the \$2414.00 fee which includes the \$925.00 fee for a five month extension of time, the \$345.00 fee under 37 C.F.R. §1.17(r) and the \$1144 fee for additional claims, is deemed necessary in connection with the filing of this Communication. However, if any additional fee is required, authorization is hereby given to charge the amount of such fee to Deposit Account No. 03-3125.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.	
 John P. White Reg. No. 28,678	3/20/00 Date